

Union Calendar No. 469

103D CONGRESS
2D SESSION

H. R. 2289

[Report No. 103-785, Parts I and II]

A BILL

To amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes.

OCTOBER 7, 1994

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1993

Mr. CLAY (by request) introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and the Judiciary

OCTOBER 3, 1994

Reported from the Committee on Post Office and Civil Service with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 7, 1994

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on May 26, 1993]

A BILL

To amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Office of Government*
 5 *Ethics Authorization Act of 1994”.*

6 **SEC. 2. AMENDMENTS TO THE ETHICS IN GOVERNMENT**
 7 **ACT OF 1978.**

8 (a) *REFERENCES.*—*Except as otherwise expressly pro-*
 9 *vided, whenever in this section an amendment or repeal is*
 10 *expressed in terms of an amendment to, or repeal of, a sec-*
 11 *tion or other provision, the reference shall be considered to*
 12 *be made to a section or other provision of the Ethics in*
 13 *Government Act of 1978 (5 U.S.C. App.).*

14 (b) *REAUTHORIZATION.*—*Section 405 is amended by*
 15 *striking “purpose—” and all that follows thereafter through*
 16 *the period and inserting “purpose, not to exceed*
 17 *\$14,000,000 for fiscal year 1995 and for each of the next*
 18 *7 fiscal years thereafter.”.*

19 (c) *ASSISTANCE FROM OTHER AGENCIES.*—*Section*
 20 *403 is amended—*

21 (1) *in paragraph (1) by striking “under this*
 22 *Act; and” and inserting “of the Office of Government*
 23 *Ethics; and”;* and

24 (2) *in paragraph (2) by striking “duties.” and*
 25 *inserting “duties under this Act or any other Act.”.*

1 (d) *GIFT ACCEPTANCE AUTHORITY*.—Section 403, as
2 amended by subsection (c), is further amended—

3 (1) by inserting “(a)” before “Upon the request”;

4 (2) in the next to last sentence by striking “this
5 section” and inserting “this subsection”; and

6 (3) by adding at the end the following:

7 “(b)(1) The Director may accept and use, on behalf
8 of the United States, any gift, donation, bequest, or devise
9 of money, use of facilities, personal property, or services,
10 for the purpose of aiding or facilitating the work of the Of-
11 fice of Government Ethics.

12 “(2) No gift, donation, bequest, or devise may be so
13 accepted if it—

14 “(A) attaches conditions inconsistent with appli-
15 cable laws or regulations; or

16 “(B) is conditioned on or will require the ex-
17 penditure of appropriated funds that are not avail-
18 able to the Office of Government Ethics.

19 “(3) The Director shall promulgate written rules set-
20 ting forth the criteria to be used in determining whether
21 the acceptance of such a gift, donation, bequest, or devise
22 would reflect unfavorably on the ability of the Office of Gov-
23 ernment Ethics or any employee to carry out its respon-
24 sibilities or official duties in a fair and objective manner,
25 or would compromise the integrity or the appearance of the

1 *integrity of its programs or any official involved in those*
 2 *programs.”.*

3 *(e) REPORTS TO CONGRESS.—Section 408 is amended*
 4 *by striking “March 31” and inserting “April 30”.*

5 *(f) SECTION HEADING.—The heading for section 401*
 6 *is amended to read as follows:*

7 *“ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.*

8 **SEC. 3. OTHER AMENDMENTS.**

9 *(a) ELIMINATION OF DISPLAY REQUIREMENT.—The*
 10 *Act entitled “An Act to provide for the display of the Code*
 11 *of Ethics for Government Service”, approved July 3, 1980*
 12 *(5 U.S.C. 7301 note) is repealed.*

13 *(b) FDIA.—Effective as of the date of the enactment*
 14 *of this Act, section 12(f)(3) of the Federal Deposit Insurance*
 15 *Act (12 U.S.C. 1822(f)(3)) is amended by striking “, with*
 16 *the concurrence of the Office of Government Ethics,”.*

17 **SEC. 4. EFFECTIVE DATE.**

18 *Except as provided in section 3(b), this Act shall be*
 19 *effective as of October 1, 1994.*

20 **SECTION 1. SHORT TITLE.**

21 **This Act may be cited as the “Office of**
 22 **Government Ethics Authorization Act of**
 23 **1994”.**

24 **SEC. 2. GIFT ACCEPTANCE AUTHORITY.**

25 **Section 403 of the Ethics in Government**
 26 **Act of 1978 (5 U.S.C. App.) is amended—**

1 **(1) by inserting “(a)” before “Upon the**
2 **request”; and**

3 **(2) by adding at the end the follow-**
4 **ing:**

5 **“(b)(1) The Director is authorized to ac-**
6 **cept and utilize, on behalf of the United**
7 **States, any gift, donation, bequest, or devise**
8 **of money, use of facilities, personal property,**
9 **or services for the purpose of aiding or facili-**
10 **tating the work of the Office of Government**
11 **Ethics.**

12 **“(2) No gift may be accepted—**

13 **“(A) that attaches conditions incon-**
14 **sistent with applicable laws or regula-**
15 **tions; or**

16 **“(B) that is conditioned upon or will**
17 **require the expenditure of appropriated**
18 **funds that are not available to the Office**
19 **of Government Ethics.**

20 **“(3) The Director shall establish written**
21 **rules setting forth the criteria to be used in**
22 **determining whether the acceptance of con-**
23 **tributions of money, services, use of facilities,**
24 **or personal property would reflect unfavor-**
25 **ably upon the ability of the Office of Govern-**

1 **ment Ethics or any employee to carry out its**
2 **responsibilities or official duties in a fair and**
3 **objective manner, or would compromise the**
4 **integrity or the appearance of the integrity of**
5 **its programs or any official involved in those**
6 **programs.”.**

7 **SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
8 **TIONS.**

9 **Section 405 of the Ethics in Government**
10 **Act of 1978 (5 U.S.C. App.) is amended to read**
11 **as follows:**

12 **“AUTHORIZATION OF APPROPRIATIONS**

13 **“SEC. 405. There are authorized to be ap-**
14 **propriated to carry out the provisions of this**
15 **title not more than \$8,154,000 for fiscal year**
16 **1995, \$8,480,000 for fiscal year 1996, \$8,819,000**
17 **for fiscal year 1997, \$9,172,000 for fiscal year**
18 **1998, and \$9,539,000 for fiscal year 1999.”.**

19 **SEC. 4. EFFECTIVE DATE.**

20 **This Act shall become effective on Octo-**
21 **ber 1, 1994.**